

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ARZEL L. FOSTER III,

Plaintiff,

CASE NO. 07-CV-11250

v.

JUDGE PAUL D. BORMAN  
MAGISTRATE JUDGE PAUL J. KOMIVES

AMERIQUEST MORTGAGE et. al.,

Defendants.

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION  
IN FAVOR OF DENYING DEFENDANTS COUNTRYWIDE'S AND WELLS FARGO'S  
MOTION TO DISMISS WITHOUT PREJUDICE**

Before the Court is Magistrate Judge Paul J. Komives' December 16, 2008, Report and Recommendation (R&R) in favor of denying defendants Countrywide's and Wells Fargo's (collectively "Defendants") Motion to Dismiss. (Dkt. No. 21). This R&R is based upon the Magistrate Judge having permitted Plaintiff to amend his Complaint by January 15, 2009. In fact, Plaintiff did file a First Amended Complaint on January 15, 2009.

Having reviewed that Report and Recommendation, and there being no objections from either party, and Plaintiff having filed a First Amended Complaint on January 15, 2009, the Court hereby;

- (1) **ADOPTS** the Magistrate Judge's Report and Recommendation **DENYING** Defendants' Motion to Dismiss without Prejudice to Defendants' filing of motions in response to the First Amended Complaint.

**SO ORDERED.**

S/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: March 11, 2009

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on March 11, 2009.

S/Denise Goodine  
Case Manager